



AFRICA CENTER FOR STRATEGIC STUDIES

ENHANCING SECURITY-JUSTICE COORDINATION TO COUNTER TRANSNATIONAL ORGANIZED CRIME

EXECUTIVE SUMMARY

9 February – 3 March 2021

In February-March 2021, the Africa Center for Strategic Studies held a multinational, executive-level seminar on security and justice sector coordination to counter transnational organized crime (TOC). This document provides substantive background on the seminar, synthesizes participant perspectives on the challenge of coordination, and discusses the following key insights:

- A variety of countries have structures for national-level interagency coordination between security and justice actors to counter TOC, but the degree and extent of strategic coordination could be improved.
- Coordination efforts should address not only the security issues but also the development and governance factors that make states and societies susceptible to TOC. Such a focus could also help states shift emphasis from reactive to preventative approaches.
- To harness subnational support for coordination, security and justice actors can follow good security governance practices and proactively build trust with the diversity of citizens and communities affected by TOC.
- There are multiple tools and initiatives for coordination on the regional, inter-regional, and international levels, but formal, technical mechanisms alone may be insufficient.

Background

The seminar virtually convened 54 security and justice sector officials from 19 African countries, as well as four officials from the US and Europe. Practitioners from UNODC, the Institute for Security Studies-Africa, and the Global Initiative against Transnational Organized Crime also participated. The seminar encouraged participants to consider the strategic value of security and justice coordination from the perspectives of national-level interagency coordination, cross-border coordination, subnational coordination in urban and rural areas, and local-level coordination with citizens and communities (including women, youth, and other marginalized or vulnerable groups). The objectives were to: (i) understand the range of initiatives in Western and Southern Africa to strengthen security and justice sector coordination in countering TOC; (ii) assess how well current coordination efforts fit into regional, national, and local strategies and approaches to countering TOC; and (iii) compare experiences with military, law enforcement, and judicial coordination on countering TOC within and across countries, and in both rural and urban settings.

The seminar convened senior-level professionals across uniformed and civilian lines. Speakers and participants had practical experiences in countering human trafficking, natural resource theft, poaching, drug trafficking, arms trafficking, cybercrime, and money laundering, among other issues. Analysis of the strategic dimensions of coordination occurred through a pre-recorded introduction to the political economy of TOC; weekly, live plenary sessions with African experts; and weekly,

regionalized, small group discussions. Through these activities, participants discussed the interdependence of security and justice work in countering TOC, the rationale for coordination to reduce competition and increase complementarity on complex problems, and coordination's influence on African state resilience to TOC. They also considered the merits of further coordinating multisectoral efforts to address the security, development, and governance factors enabling TOC.

Overarching Perspectives on Coordination

The program underscored the complexities of one aspect of resilience to TOC: coordinating effectively to counter it. Criminals quickly adapt to African states' counter TOC efforts; they can strategically engage multiple criminal markets at once and change their locations or modes of operation to evade detection. State actors need to anticipate these possibilities for criminal adaptations and synergies across markets build resilience to TOC. In some cases, the officials coordinating to address one form of TOC – whether human trafficking, natural resource crimes, drug trafficking, or otherwise – may confront certain criminal actors who are also involved in other types of TOC; in other cases, the criminal actors involved in various crime types may be different, but they may all exploit the same pockets of corruption in government or use common transit routes. Thus, even officials responding to a specific form of TOC must understand how it fits into the broader threat landscape in order to effectively dismantle criminal networks.

Participants expressed interest in innovating upon existing mechanisms and practices for addressing the security, development, and governance factors enabling TOC. The efforts of African security and justice actors to dismantle TOC networks must strike multiple balances: responding to TOC in generalized and specialized ways; using formal and informal approaches to facilitate coordination; and ensuring that subnational, national, and supranational dimensions of coordination are all part of TOC response.

Key Insights

1. A variety of countries have structures for national-level interagency coordination to counter TOC, but the degree and extent of strategic coordination could be improved.

When it comes to countering TOC, many countries have some mechanism for coordination in place, whether it serves a generalized approach to countering TOC or addresses a specific type of TOC. In some cases, the Ministry of Justice or Ministry of Interior is designated the lead and relies on support from financial intelligence units, anti-corruption agencies, police and gendarmes, and customs agents; in other cases, a security sector institution may take the lead and draw upon the knowledge and resources of others. Some countries have mechanisms to facilitate the rapid exchange of information between actors focused on TOC; others have set up coordination centers or coordinating committees seeking to streamline counter TOC efforts. The involvement of national security officials from the president or prime minister's office is another relevant feature of certain countries' approaches. Often, coordination is horizontal (between agencies and ministries), as well as vertical (within these institutions). Regardless of the specific coordination structures in place, knowing the mandates of one's colleagues and understanding why those mandates are important is critical.

Efforts to coordinate have made some significant inroads; beyond examples that participants shared in small group discussions, plenary speakers mentioned several intelligence-aided drug seizures and the first conviction for a piracy crime in Nigeria, the real-time use of the National Anti-Poaching Coordination Committee to develop mitigating measures in Botswana, and the convening of justice

forums designed to enhance follow-through on TOC prosecutions there. However, greater interagency coordination could make state responses less fragmented by sector or crime type, which would also enhance the ability to anticipate and respond to TOC. Participants discussed how countering TOC will require further coordination between the military, law enforcement, intelligence, justice, customs, internal affairs, forestry, fishing, and other sectors. While the specialization of policies, units, and training to address specific forms of TOC is important, so too is ensuring that all coordination feeds into a broader TOC strategy that guides various lines of effort.

Discussions about the inherent challenges of interagency coordination pointed to the need for structures charged with organizing all entities involved in countering TOC, even when the relevant entities already have clear roles and responsibilities. Greater strategic oversight of coordination on TOC could reduce competition between agencies, while also facilitating the exchange of information to prevent TOC. Both security and justice actors mentioned the need for continuous dialogue and communications with each other. Military and law enforcement actors who apprehend or investigate suspected criminals do not always get feedback about judicial outcomes, and thus do not learn about results related to the people they apprehended and the evidence that they sought to collect and preserve. Prosecutors and investigating judges expressed desire for ongoing exchanges with law enforcement about challenges related to evidence and case management. Joint assessments with intelligence organizations could also advance coordination by identifying the likely targets, specifying contextual “red flag indicators” of TOC, and using the data to inform response.

In addition, participants identified other areas for improvement: (a) closing implementation gaps in legal and policy frameworks between neighboring states, which allow criminals to slip through loopholes; (b) adapting existing legislation and policy to address evolutions in criminal behavior and new crime types; (c) resourcing specialized training for actors focused on TOC, and ensuring their retention in positions relevant to that training; (d) ensuring that national and regional women’s networks are empowered and engaged in broader coordination efforts; and (e) leveraging the private sector, international organizations, and civil society to work with states on TOC and related trends, like illicit financial flows.

2. Coordination efforts should address not only the security issues but also the development and governance factors that make states and societies susceptible to TOC. Such a focus could also help shift emphasis from reactive to preventative approaches.

Experience suggests that addressing TOC effectively requires considering not only the security, but also the development and governance factors enabling TOC. Participants discussed what they observe to be some of these factors. For people in some of the most marginalized communities, TOC is a livelihood; some may not consider TOC an illegitimate activity that needs to be countered, while others may judge it is too dangerous to oppose. In addition, governance challenges exacerbate popular grievances that organized criminals can exploit. States frequently struggle to ensure citizen security and build public legitimacy. In border communities, some states have trouble establishing a reliable presence in order to protect citizens, provide infrastructure, and deliver services. Crime in urban areas, where the state is more present, is spurred by rapid urbanization, youth unemployment, and social exclusion. When the state is not present or does not meet development and governance demands, this can leave people more open to the influence of TOC. Furthermore, organized crime networks can infiltrate government institutions and legitimate businesses, creating additional oversight and accountability issues.

Given these insights, participants considered the merits of pursuing multi-stakeholder and multi-sectoral approaches to TOC. The successes and challenges of Benin's integrated, prevention-based approach to border management was examined in depth. The country's Agency for the Integrated Management of Border Spaces has sought to promote citizen security by pursuing measures like placing defense and security forces in border zones to connect with citizens; forming special units working across borders on TOC; providing civil legal assistance to members of border communities to obtain identity documents; helping women engage in legitimate business activities in local economies; paying teacher salaries; and building schools. The measures were intended to make border community members feel like they are a part of the state. Benin also fused the gendarmerie and police to facilitate urban-rural coordination on TOC and created a General Directorate of Judicial Police to link courts and law enforcement.

Participants from other countries also highlighted multi-sectoral initiatives they have used to address TOC, from special units for addressing particular types of TOC, mobile courts, youth skills building initiatives, community policing, and local security dialogues. Some of these measures have made TOC response more preventative and proactive. State actors cannot do this alone, however; they need to work with non-state actors who offer diverse gender, age, religious, political, and economic perspectives on TOC across contexts. A multi-pronged approach thus also entails empowering civil society, communities, and citizens -- such as men/boys and women/girls -- to influence policy and strategy.

3. To harness subnational support for coordination, security and justice actors can follow good security governance practices and proactively build trust with the diversity of citizens and communities affected by TOC.

Putting citizens at the core of the state's efforts to prevent and counter TOC can improve the long-term results of coordination. People in the marginalized communities that are most affected by TOC are important knowledge holders about criminality and its implications for security, development, and governance. However, citizens and communities are not homogenous. Different groups may have disparate experiences with TOC and have different ways of interacting with security and justice officials on these issues. States would thus benefit from engaging a wide range of actors -- women and youth groups, teachers, religious and traditional leaders, civil society organizations, local officials, and others -- to inform approaches to TOC.

Perhaps the greatest challenge that state security and justice actors face to coordination on the subnational level is building trust with the communities affected by TOC. Fostering this confidence by building inclusive and rights-respecting relationships with a wide range of citizens in these communities is a long-term challenge. There are often both historical and structural reasons for mistrust in the security forces or the justice sector, and reticence to communicate or coordinate with the state to address TOC can arise from a complex combination of dynamics. Hesitation to trust the state can arise based on people's knowledge or perceptions of corruption in state institutions, frustration with the slow investigation or prosecution of crimes, dependence on TOC for a livelihood, belief that TOC is not an illegitimate activity, and a host of other factors.

State security and justice actors hoping to engage with people on the local level have multiple tools at their disposal. Community consultations can help state and civil society actors understand more

about the impacts of crime, as well as identify specific structural enablers and sources of resilience. Crime and violence prevention measures that expand access to justice or support community policing can also integrate local perspectives into response. Ensuring that women, youth, and other representatives of vulnerable communities have influence in the design of TOC response is another relevant consideration.

4. There are multiple tools and initiatives for coordination on the regional, inter-regional, and international levels, but formal, technical mechanisms alone may be insufficient.

The Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) have a wealth of conventions, strategies, political declarations, and information-sharing mechanisms for different types of TOC, from human smuggling and poaching to arms, drug, wildlife, and human trafficking. Furthermore, coordination is taken up through regional police chiefs' cooperation organizations and at REC-level meetings between member states' chiefs of security. SADC is preparing a draft TOC strategy to avoid a fragmented, crime-by-crime approach; ECOWAS has sought to reduce fragmentation through its enhancement of inter-regional coordination. ECOWAS's inter-regional coordination has been particularly notable through bilateral regional cooperation on trafficking in persons with the Economic Community of Central African States (ECCAS), and on maritime crime with ECCAS and the Gulf of Guinea Commission (GCC). A Draft Agreement on Cooperation in Criminal Police Matters is also underway. Both RECs have innovative early warning mechanisms and information-sharing platforms—for instance, SADC TIPNET for trafficking in persons and the West African Police Information Sharing System (WAPIS) for multiple types of crime.

Participants also discussed the formal measures for coordination enshrined in the Palermo Convention, from establishing bilateral and multilateral agreements for mutual legal assistance and extradition to mechanisms for cross-border law enforcement cooperation. There remains a significant implementation gap. On the one hand, the discussions brought to light multiple examples of joint exercises across borders, as well as joint permanent commissions for bilateral, cross-border communication between security, justice, and other officials on TOC. On the other hand, challenges to bridging the implementation gap included regional politics, differences across neighboring countries' legal systems, and language barriers in formal communications across borders. Participants and speakers emphasized the need to further strengthen cross-border collaboration to counter TOC by furthering the domestication and harmonization of their countries' national laws and procedures for apprehending, investigating, transferring, and prosecuting perpetrators. Ensuring that anti-money laundering agencies share information across countries – through the Egmont Group or otherwise – is also a critical issue.

Finally, the exchanges underscored that formal legal mechanisms alone may be insufficient. There is still need for more accessible and swift approaches to police information-sharing, transfer of evidence, and handover and treatment of suspects. National coordination bodies require further integration into regional counter TOC networks, approaches to burden-sharing merit further clarification, continued resourcing and capacity-building on counter TOC is needed across the security sector and criminal justice chain, and inter-ministerial mechanisms on the REC and sub-regional levels must make further use of crime monitoring mechanisms. In sum, dismantling criminal networks also hinges upon relationship-building outside of the formal channels for technical legal measures of coordination.